



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 25, 1997

Mr. Boyd Kennedy  
Staff Attorney  
Law Enforcement Division  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

OR97-2594

Dear Mr. Kennedy:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111166.

The Texas Parks and Wildlife Department (the "department") received a request for "a copy of any accident report or other information your office may have" concerning a boating accident that occurred on June 23, 1996, on Lake Benbrook. The requestor subsequently clarified his request and asked for the "names and addresses of persons involved, witnesses and any insurance information." You inform us that you have two boat accident reports responsive to the request, and you "have made arrangements to provide the requestor with a copy" of the report filed by requestor's client. As for the remaining report, you assert that section 31.105 of the Parks and Wildlife Code makes the report confidential. We have considered your arguments and reviewed the information submitted.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. You assert that section 31.105 of the Parks and Wildlife Code make boating accident reports filed with the department confidential.

Section 31.105 states that

(a) [t]he operator of a vessel involved in a collision, accident, or other casualty that results in death or injury to a person or damage to property

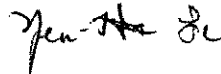
in excess of \$500 shall file with the department on or before the expiration of 30 days after the incident a full description of the collision, accident, or casualty in accordance with regulations established by the department.

(b) The accident reports are *confidential* and are inadmissible in court as evidence.

Parks and Wildlife Code § 31.105 (emphasis added). We conclude that the accident reports filed with the department pursuant to section 31.105 of the Parks and Wildlife Code are excepted from required public disclosure. After reviewing the submitted document, we also conclude that it was filed in accordance with section 31.105 of the Parks and Wildlife Code and must be withheld.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref.: ID# 111166

Enclosure: Submitted document

cc: Mr. Jim A. Franklin  
Attorney at Law  
3501 Sycamore School Road  
Suite 125, LB 192  
Fort Worth, Texas 76133-7806  
(w/o enclosure)

---

<sup>1</sup>Section 31.105, however, does not make confidential accident reports which do not involve personal injury or death or that only involve property damage less than \$500.